

**UNITED STATES BANKRUPTCY COURT  
Eastern District of California**

Honorable Christopher D. Jaime  
1200 I Street, Suite 200  
Modesto, California

**PRE-HEARING DISPOSITIONS COVER SHEET**

**DAY: TUESDAY**

**DATE: August 27, 2024**

**CALENDAR: 1:00 P.M. CHAPTER 13**

Each matter on this calendar will have one of three possible designations: No Ruling, Tentative Ruling, or Final Ruling. These instructions apply to those designations.

**No Ruling:** All parties will need to appear at the hearing unless otherwise ordered.

**Tentative Ruling:** If a matter has been designated as a tentative ruling it will be called. The court may continue the hearing on the matter, set a briefing schedule, or enter other orders appropriate for efficient and proper resolution of the matter. The original moving or objecting party shall give notice of the continued hearing date and the deadlines. The minutes of the hearing will be the court's findings and conclusions.

**Final Ruling:** Unless otherwise ordered, there will be no hearing on these matters and no appearance is necessary. The final disposition of the matter is set forth in the ruling and it will appear in the minutes. The final ruling may or may not finally adjudicate the matter. If it is finally adjudicated, the minutes constitute the court's findings and conclusions.

**Orders:** Unless the court specifies in the tentative or final ruling that it will issue an order, the prevailing party shall lodge an order within seven (7) days of the final hearing on the matter.

**UNITED STATES BANKRUPTCY COURT**

Eastern District of California

Honorable Christopher D. Jaime  
Bankruptcy Judge  
Modesto, California

**August 27, 2024 at 1:00 p.m.**

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1. [23-90607](#)-B-13 KRISTOPHER COOPER MOTION TO DISMISS CASE  
[LGT](#)-2 David C. Johnston 7-12-24 [[84](#)]

**Final Ruling**

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to grant the motion to dismiss case.

Debtor is delinquent in the amount of \$23,600.00. In addition to this amount, Debtor must also continue to make the plan payment of \$8,760.00 per month for July and August 2024. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1) and (c)(4) since the Debtor has failed to make all payments due under the plan.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

The motion is ORDERED GRANTED for reasons stated in the minutes.

The court will issue an order.

**August 27, 2024 at 1:00 p.m.**

2. [23-90616](#)-B-13 DAVID MARTINEZ CONTINUED MOTION TO DISMISS  
[ALG](#)-2 Thomas A. Moore CASE  
Thru #3 7-1-24 [[63](#)]

**Final Ruling**

The case having been converted at Item #3, LGT-1, the motion to dismiss case by creditors Hassan Baradaran-Azimi, Trustee of the Azimi Family Trust Dated October 21, 2021, as to 55.25% Interest and Boris A. Chechelnitsky and Marina S. Chechelnitsky, Trustees of the Boris A. Chechelnitsky and Marina S. Chechelnitsky Revocable Living Trust Dated January 8, 2016, as to 44.75% Interest, as Tenants in Common, is denied as moot.

The motion is ORDERED DENIED AS MOOT for reasons stated in the minutes.

The court will issue an order.

3. [23-90616](#)-B-13 DAVID MARTINEZ MOTION TO DISMISS CASE  
[LGT](#)-2 Thomas A. Moore 7-26-24 [[68](#)]

**Final Ruling**

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. Cf. *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to grant the motion to convert case to a chapter 7.

First, the Chapter 13 Trustee's objection to Debtor's plan filed January 10, 2024, was sustained and the Debtor has not filed or set for hearing a modified plan. This is an unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1).

Second, Debtor is delinquent in the amount of \$15,925.00. In addition to this amount, Debtor must also make the plan payment of \$3,225.00 for August. 11 U.S.C. § 1307(c)(1) and (c)(4).

A review of Debtor's Schedules A/B and D shows that Debtor's real and personal property are encumbered. Debtor claims a homestead exemption in the real property. Should the Debtor choose to amend Schedule C exemptions, there would remain non-exempt equity that may be available for the benefit of unsecured creditors. Therefore, it appears that conversion rather than dismissal is in the best interest of creditors of the estate.

Cause exists to convert this case to a chapter 7. The motion is granted and the case will be converted.

The motion is ORDERED GRANTED for reasons stated in the minutes.

The court will issue an order.

4. [23-90618](#)-B-13 JAMEY/MICHELLE FOSS  
[LGT](#)-2 Simran Singh Hundal

MOTION TO DISMISS CASE  
7-2-24 [[24](#)]

### **Final Ruling**

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Opposition was filed.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to deny the motion to dismiss case.

The Chapter 13 Trustee moves to dismiss case on grounds that the Debtors are delinquent in the amount of \$9,175.00. In addition to this amount, Debtors must also continue to make the plan payment of \$1,835.00 per month for July and August 2024.

Debtors filed a response stating that they will file an amended plan and supporting documents prior to the hearing on the motion to dismiss case. A review of the court's docket shows that a plan was filed on August 23, 2024, and a confirmation hearing set for October 8, 2024. This resolves the issues raised to dismiss this case at this time.

Cause does not exist to dismiss this case. The motion is denied without prejudice.

The motion is ORDERED DENIED WITHOUT PREJUDICE for reasons stated in the minutes.

The court will issue an order.

5. [24-90332](#)-B-13 SABRINA EDWARDS  
Pro Se

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
7-23-24 [[23](#)]

DEBTOR DISMISSED: 07/31/24

**Final Ruling**

The case was dismissed on July 31, 2024, for failure to timely file documents. The Order to Show Cause is discharged as moot.

The order to show cause is ORDERED DISCHARGED AS MOOT.

The court will issue an order.

**Final Ruling**

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). A response was filed.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to grant the motion to dismiss case.

The Chapter 13 Trustee moves to dismiss case on grounds that the Debtor has failed to confirm a plan and is delinquent in the amount of \$5,712.00. In addition to this delinquency amount, the Debtor must also make the plan payment of \$1,428.00 for August 2024. Debtor's failure to fulfill her duties is an unreasonable delay that is prejudicial to creditor's. 11 U.S.C. § 1307(c)(1) and (c)(4).

Debtor's counsel has filed a response stating that he has contacted the Debtor numerous times over the last three months - leaving voice messages, emails, and text messages - but has not heard back from Debtor. Counsel states that he has no argument to present in opposition to the Trustee's motion to dismiss case.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

The motion is ORDERED GRANTED for reasons stated in the minutes.

The court will issue an order.

7. [24-90060](#)-B-13 LUIS/ANGELA OLIVEIRA MOTION TO DISMISS CASE  
[LGT](#)-2 David C. Johnston 7-26-24 [[54](#)]

**Final Ruling**

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to grant the motion to dismiss case.

Debtors are delinquent in the amount of \$30,800.00. In addition to this amount, Debtors must also make the plan payment of \$7,700.00 for August 2024. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1) and (c)(4) since the Debtors have failed to make all payments due under the plan.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

The motion is ORDERED GRANTED for reasons stated in the minutes.

The court will issue an order.

